

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION

No. M 07-1827 SI
MDL No. 1827

This Order Relates To:

ORDER REGARDING TRIAL STRUCTURE

All Direct- and Indirect-Purchaser Plaintiff Class Actions

On April 20, 2012, the Court heard argument on separate motions regarding how the May 21, 2012 trial should be structured in this MDL.¹ Having considered the papers submitted, oral argument, and for good cause shown, the Court orders as follows.

The Court will bifurcate this jury trial into two phases. In the first phase, Direct- and Indirect-Purchaser Plaintiffs (“DPPs” and “IPPs”) will present evidence of Defendants’ price-fixing conspiracy. In addition, DPPs will present their evidence of increases in TFT-LCD panel prices and of their damages. The jury will be asked to make a finding on the existence of the alleged price-fixing conspiracy, and if their finding is positive, on liability to the DPPs and the amount of DPP damages. In the second phase, IPPs will present their evidence concerning their state law claims, including increases in TFT-LCD panel prices and pass-ons, and the amount of damages. The jury will then be asked to make a finding on liability to the IPPs and the amount of IPP damages.

¹ Motion of Defendants Regarding Trial Structure and for Relief to Avoid Duplicative Recovery (Master Docket No. 5258); and Direct-Purchaser Plaintiffs' Motion to Bifurcate Trial into Two Phases (Master Docket No. 5455).

1 The jury will be informed, at the outset, that the trial will proceed in these two phases, and will
2 be given a general statement as to the purpose of each of the phases.
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5 **IT IS SO ORDERED.**
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8 Dated: April 20, 2012
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Susan Illston
SUSAN ILLSTON
United States District Judge